

19 MAG 6 17 1

ORIGINAL

Approved: \_\_\_\_\_

EMILY A. JOHNSON

Assistant United States Attorney

Before: THE HONORABLE BARBARA MOSES  
 United States Magistrate Judge  
 Southern District of New York

- - - - -	:	
UNITED STATES OF AMERICA	:	19 Mag.
- v. -	:	RULE 5(c)(3)
	:	AFFIDAVIT
JOWENKY NUNEZ,	:	
	:	
Defendant.	:	
- - - - -	:	

SOUTHERN DISTRICT OF NEW YORK, ss:

GEORGE L. OLIVARES, being duly sworn, deposes and says that he is an Officer with the United States Probation Office, and charges as follows:

On or about June 24, 2019, the United States District Court for the District of Maine issued a warrant for the arrest of "Jowenky Nunez" based on an alleged violation of the terms of his supervised release. A copy of the arrest warrant and violation report are attached hereto and incorporated by reference herein.

I believe that JOWENKY NUNEZ, the defendant, who was arrested on July 1, 2019, in the Southern District of New York, is the same individual as "Jowenky Nunez" who is wanted by the United States District Court for the District of Maine.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am an Officer with the United States Probation Office. This affidavit is based upon my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and my examination of documents, reports, and records. I have been

involved in determining whether JOWENKY NUNEZ, the defendant, is the same individual as the "Jowenky Nunez" named in the June 24, 2019 arrest warrant from the United States District Court for the District of Maine. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my review of documents from proceedings in the United States District Court for the District of Maine, I know that, on or about June 24, 2019, the United States District Court for the District of Maine issued a warrant for the arrest of "Jowenky Nunez" (the "Arrest Warrant"). The Arrest Warrant was issued based on an alleged violation of the terms of his supervised release.

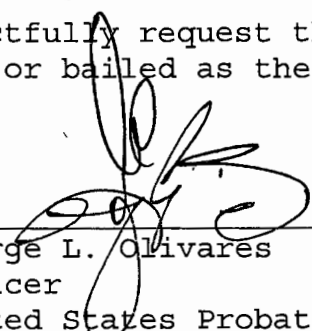
3. On or about May 22, 2019, I met JOWENKY NUNEZ, the defendant, at his place of employment in the course of my job duties as a U.S. Probation Officer. I recognized NUNEZ because I had previously reviewed photographs of NUNEZ contained in law enforcement databases.

4. On or about July 1, 2019, JOWENKY NUNEZ, the defendant, reported to the U.S. Probation Office in the Southern District of New York at my request. I recognized NUNEZ to be the same individual whom I had previously encountered on or about May 22, 2019, and NUNEZ answered to the name "Jowenky Nunez."

5. Based on the foregoing, I believe that JOWENKY NUNEZ, the defendant, is the same person as "Jowenky Nunez," who is wanted by the United States District Court for the District of Maine.

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WHEREFORE, I respectfully request that JOWENKY NUNEZ, the defendant, be imprisoned or bailed as the case may be.



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George L. Olivares  
Officer  
United States Probation Office

Sworn to before me this  
1st/day of July, 2019.



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THE HONORABLE BARBARA MOSES  
United States Magistrate Judge  
Southern District of New York

AO 442 (Rev. 11/11) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the  
District of MaineUnited States of America  
v.  
JOWENKY NUNEZ a/k/a BULLET

Case No. 1:11-cr-00205-JAW-06

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) JOWENKY NUNEZ a/k/a BULLET  
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☒ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Violation of Condition(s) of Supervised Release: 18:3606

A TRUE COPY  
ATTEST: Christa K. Berry, ClerkBy: Susan Way  
Deputy ClerkDate: 06/24/2019Susan Way  
Issuing officer's signatureCity and state: Bangor, MaineSusan Way, Deputy Clerk  
Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Arresting officer's signature\_\_\_\_\_  
Printed name and title

AO 442 (Rev. 11/11) Arrest Warrant (Page 2)

**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

**(Not for Public Disclosure)**

Name of defendant/offender: \_\_\_\_\_

Known aliases: \_\_\_\_\_

Last known residence: \_\_\_\_\_

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (name, relation, address, phone number): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: \_\_\_\_\_

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (if applicable): \_\_\_\_\_

Prob 12C  
(6/19)

**UNITED STATES DISTRICT COURT**  
for the District of Maine  
**Petition for Warrant or Summons for Offender under Supervision**

**Name of Offender:** Jowenky Nunez**Case Number:** 0100 1:11CR00205**Sentencing Judicial Officer:** Honorable John A. Woodcock, Jr., U.S. District Judge**Date of Original Sentence:** December 01, 2014**Original Offense:** Conspiracy to Possess with Intent to Distribute 28 Grams or More of Cocaine Base, 21 U.S.C. §§ 841(a)(1), (b)(1)(B), (b)(1)(C), and 846**Original Sentence:** 97 Months Imprisonment; 5 Years Supervised Release**Type of Supervision:** Supervised Release**Date Supervision Commenced:** March 22, 2019

<b>Assistant U.S. Attorney:</b>	<b>Defense Attorney:</b>
Arnold Huftalen (D/NH)	William S. Maddox

**PETITIONING THE COURT**

- ☒ To issue a warrant/matter to be sealed pending arrest or until detainer is lodged.  
☐ To issue a warrant/matter to be sealed pending arrest. Attachment to remain sealed after arrest.  
☐ To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation Number    Nature of Noncompliance**

One	<p><b><u>Special Condition added on March 29, 2019:</u> Defendant shall reside in a residential reentry center (RRC) for a period of three (3) months, to begin as soon as practicable following release, and shall observe the rules of that facility and of the supervising officer.</b></p> <p>On May 1, 2019, the defendant entered the Bronx Community Residential Reentry Center (RRC). Upon entry, the defendant signed an intake packet containing the rules and regulations of the facility.</p> <p>On June 14, 2019, at approximately 11:50pm, staff at the RRC instructed the defendant to submit to a mandatory breathalyzer test. According to the incident report, the defendant refused to provide a</p>
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	<p>breath sample. The defendant was holding a clear bottle with pink liquid in it during the interaction. Staff instructed the defendant to turn over the bottle, however, he refused. Staff grabbed the bottle from the defendant, at which time he became aggressive toward staff and yelled "give me my fucking bottle". Staff gave the defendant multiple commands to go upstairs and return to his room. The defendant refused, and then attempted to force himself into the operations office where staff were located. The door was closed to keep the defendant out, however, he charged the door and forced it open. This caused the door to strike a staff member in the hand and arm.</p> <p>According to the director of the RRC, Dr. Kristila Brace, the bottle that was confiscated from the defendant is believed to be contraband as it "smells like pure alcohol."</p> <p>On June 20, 2019, the defendant was unsuccessfully discharged from the RRC due violating facility rules.</p>
Two	<p><b><u>Special Condition No. 3:</u> Defendant shall not use or possess any controlled substance, alcohol or other intoxicant; and shall participate in a program of drug and alcohol abuse therapy to the supervising officer's satisfaction. This shall include testing to determine if Defendant has used drugs or intoxicants. Defendant shall submit to one test within 15 days of release from prison and at least two, but not more than 120, tests per calendar year thereafter, as directed by the supervising officer. Defendant shall pay/co-pay for services during such treatment to the supervising officer's satisfaction. Defendant shall not obstruct or tamper, or try to obstruct or tamper, in any way, with any tests.</b></p> <p>On June 14, 2019, staff at the RRC instructed the defendant to submit to a breathalyzer test. The defendant refused the test.</p> <p>On June 14, 2019, staff at the RRC confiscated a clear bottle containing a pink liquid. According to the director of the RRC, Dr. Kristila Brace, the liquid in the bottle is believed to be alcohol.</p>

**U.S. Probation Officer Recommendation:**

☒ The term of supervision should be:

☒ revoked.

☐ extended for {years} for a total of {years} years.

☐ the conditions of supervision should be modified as follows:


Prob 12C  
(6/19)

Petition for Warrant or Summons  
for Offender Under Supervision

I declare under penalty of perjury the foregoing is true and correct.

Executed on: June 24, 2019

Respectfully Submitted,  
KIMBERLY RIEGER  
Chief U.S. Probation Officer

  
By:  
Joseph Moloney  
U.S. Probation Officer

Reviewed:



Michael J. Penders  
Deputy Chief U.S. Probation Officer  
6/24/2019

**SUPERVISED RELEASE VIOLATION  
COVER SHEET**

**Name:** Jowenky Nunez

**Y/O/B:** 1983

**Offense(s) of Conviction and Classification:** Conspiracy to Possess with Intent to Distribute 28 Grams or More of Cocaine Base, 21 U.S.C. §§ 841(a)(1), (b)(1)(B), (b)(1)(C), and 846; Class B Felony

**Original Sentence:** 97 Months Imprisonment; 5 Years Supervised Release

**Date Imposed:** December 01, 2014

**Available Penalties for Current Violation (with statutory reference):** Up to 3 years imprisonment, 18 U.S.C. § 3583(e)(3)

**Additional Period of Release:** Up to 5 years, less any term of imprisonment imposed upon revocation of supervised release, 18 U.S.C. § 3583(h)

Joseph Moloney  
Supervising U.S. Probation Officer